

### **REMARKS**

Claims 1, 3 and 5-10 remain pending in this application.

#### **Drawings**

In item 10 of the Office Action Summary page, the drawings filed on 6-27-03 are stated to be objected to by the Examiner. However, in the third paragraph on page 2 of the Action, it is stated that "in view of the Applicant's confirmation that the computer system 11 defines all of the recited means as addressed above, the Examiner hereby withdraws the objection to the drawings and the previous 112 rejections."

Accordingly, Applicant's presume that indication on the Office Action Summary page stating that the drawings are objected to is in error and that the Examiner has withdrawn his objections to the drawings as stated on page 2 of the Action.

#### **Claim Rejections Under 35 USC §102**

Claims 1 and 3-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mimura et al. U. S. Patent 6,733,728.

For the reasons set forth hereafter, it is submitted that claims 1, 3 and 5-10 are patentable.

#### **Patentability of the Claims**

Claim 1 has been further amended to define register means for registering a name of a reagent which is detected as being short.

Accordingly, claim 1 now calls for an automatic analyzing system which analyzes samples by using a plurality of analyzing apparatuses which are disposed along a carrying line which comprises a reagent shortage detection unit for detecting that one of the reagents of the analyzing apparatuses is short, register means for registering a name of the reagent which is detected as being short and control separation means for controlling, so as to separate from the control of the automatic analyzing system, the analyzing apparatus in which the one reagent is short, when the reagent shortage detection unit detects a shortage of one of the particular reagents being registered in the register means.

Claims 3 and 5-10 define further structural elements of the automatic analyzing system. These remaining dependent claims have been amended to further clarify their meaning.

As noted above claim 1 now defines register means for registering a name of a reagent which is detected as being short.

Mimura does not disclose such a register means and does not disclose separating from the control of the automatic analyzing system, the analyzing apparatus in which the reagent registered in the register means is short. In Mimura, a sample for analyzing is transferred to another analyzing apparatus and the analysis is stopped only when the reagent does not exist in any of the other analyzing apparatuses. Thus, Mimura avoids an interruption of an analysis when a reagent is short in one of a plurality of analyzing apparatuses. This is different from Applicants' invention as now claimed.

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Accordingly, it is believed that claims 1, 3 and 5-10 patentably distinguish over Mimura and should be allowed.

**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-184).

Respectfully submitted,

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